

RABINOWITZ, LUBETKIN & TULLY, LLC

293 Eisenhower Parkway, Suite 100

Livingston, N.J. 07039

(973) 597-9100

Jonathan I. Rabinowitz

John J. Harmon

jrabinowitz@rltlawfirm.com

Attorneys for Jeffrey A. Lester,

Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

IMMUNE PHARMACEUTICALS, INC., *et al.*,

Debtors.

Case No. 19-13273 (VFP)

Chapter 7

Jointly Administered

APPELLEE'S DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN RECORD ON APPEAL

Jeffrey A. Lester, Chapter 7 Trustee (the “Trustee”) for the bankruptcy estates of Immune Pharmaceuticals, Inc. (the “Debtor”) and related debtors (collectively, the “Debtors”), hereby submits pursuant to Bankruptcy Rule 8009 this Designation of additional items to be included in the record on appeal with respect to the appeal by Discover Growth Fund, LLC (“Discover”) from the Court’s Order denying Discover’s motion for relief from the automatic stay [ECF No. 545].

Case Docket

The Trustee hereby designates the following additional items from the case docket to be included in the record on appeal:

1. Chapter 11 Voluntary Petition (ECF 1¹).

¹ References to all docket entries set forth herein include all attachments accompanying such entries.

2. Schedule of Assets and Liabilities and Statement of Financial Affairs for Debtors (ECF 62).

2. Declaration of Jefferson Davis in Further Support of the Motion of the Debtors for the entry of an Order Approving and Authorizing (I) Bid Procedures and Form of Notice in Connection with the Sale of the Debtors' Anti-Eotaxin Assets Free and Clear of All Liens, Claims, Encumbrances, and Interests, (II) Stalking Horse Agreement and Stalking Horse Bid Protections, (III) the Scheduling of a Sale Hearing, (IV) Sale to the Purchaser Submitting the Highest or Best Offer, (V) Procedures for Assuming and Assigning Executory Contracts, and (VI) Other Related Relief (ECF 339).

3. Order (I) Authorizing Sale of Debtors' Anti-Eotaxin Assets Free and Clear of All Liens, Claims, Encumbrances, and Interests, (II) Approving Asset Purchase Agreement, and (III) Authorizing Debtor to Assume and Assign Executory Contracts and Unexpired Leases and Other Related Relief (ECF 343).

4. Order Approving Immune Pharmaceuticals Inc. and Immune Pharmaceuticals Ltd. Memorandum of Understanding with Committee and Israeli Trustee Relating to Allocation of Sale Proceeds from Sale of Anti-Eotaxin Assets (ECF 345).

Claims Register

The Trustee hereby designates the following record from the claims register to be included in the record on appeal:

1. Amended Claim #37 (including 37-4) filed by Discover Growth Fund, LLC.

19-02033 Adversary Proceeding

The Trustee hereby designates the following record from the adversary proceeding associated with the above captioned case and docketed under adversary proceeding number 19-02033 to be included in the record on appeal:

1. Adversary Complaint (ECF 1).
2. Defendant's Answer (ECF 4).
3. Plaintiffs' Second Motion for Partial Summary Judgment (ECF 13).
4. Defendants' Opposition to Plaintiffs' Second Motion for Partial Summary Judgment (ECF 22).
5. Plaintiffs' Response to Defendants' Brief in Opposition to Plaintiffs' Second Motion for Partial Summary Judgment (ECF 27).
6. Transcript of Hearing held on April 1, 2020 Regarding Plaintiffs' Second Motion for Partial Summary Judgment (ECF 32).
7. Order Denying Plaintiffs' Motion for Partial Summary Judgment (ECF 37).
8. Motion for Order Substituting Trustee for Debtors and Committee as Plaintiff Pursuant to F.R.B.P. 7025 (ECF 39).
9. Trustee's Motion for Reconsideration of Order Denying Plaintiffs' Motion for Partial Summary Judgment (ECF 40).
10. Defendant's Brief in Opposition to Motion for Reconsideration of Order Denying Plaintiffs' Motion for Partial Summary Judgment (ECF 42).
11. Trustee's Response to Defendant's Brief in Opposition to Motion for Reconsideration (ECF 45).
12. Order Substituting Trustee for Debtors and Committee as Plaintiff Pursuant to F.R.B.P. 7025 (ECF 48).

13. Transcript of Hearing held on June 23, 2020 Regarding Trustee's Motion for Reconsideration (ECF 50).
14. Order Denying Trustee's Motion for Reconsideration (ECF 52).
15. Trustee's Notice of Appeal from Order Denying Trustee's Motion for Reconsideration (ECF 54).
16. Trustee's Motion for Leave to Appeal from Order Denying Reconsideration (ECF 55).
17. Exhibits in Support of Trustee's Motion for Leave to Appeal from Order Denying Reconsideration (ECF 56).

20-01371 Adversary Proceeding

The Trustee hereby designates the following record from the adversary proceeding associated with the above captioned case and docketed under adversary proceeding number 20-01371 to be included in the record on appeal:

1. Adversary Complaint (ECF 1).
2. Defendant's Motion to Dismiss Complaint (ECF 4).
3. Trustee's Brief in Opposition to Motion to Dismiss Complaint (ECF 6).
4. Defendant's Reply in Further Support of Motion to Dismiss Complaint (ECF 7).
5. Transcript of Hearing Held on 8/18/2020 (ECF 8).
6. Order Denying Motion to Dismiss Without Prejudice (ECF 9).

RABINOWITZ, LUBETKIN & TULLY, L.L.C.
Attorneys for Jeffrey A. Lester, Chapter 7 Trustee

By: /s/ Jonathan I. Rabinowitz
JONATHAN I. RABINOWITZ

Dated: September 29, 2020